THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

AND

THE HON'BLE SRI JUSTICE D. APPA RAO

Writ Petitions No. 10033, 10431, 10432, 10433 and 10434 of 2006

Date: 30.05.2006

W.P.No.10033 of 2006

Between:

M. Srinivas & others

….. Petitioners

and

The District Educational Officer and others.

…. Respondents.

W.P.No.10431 of 2006

Between:

G. Sattaiah

….. Petitioner

and

The Government of A.P. and others.

…. Respondents.

W.P.No.10432 of 2006

Between:

P. Chandra Sekhar and another

….. Petitioners

and

The Commissioner & Director of School Education and others.

…. Respondents.

-

W.P.No.10433 of 2006

Between:

Smt. Shaheen Bhanu

….. Petitioners

and

The Government of A.P. & others.

…. Respondents.

W.P.No.10434 of 2006

Between:

Smt.Safiya Begum & another

….. Petitioners

and

V. Pratap Reddy & others.

…. Respondents.

COMMON ORDER: *(per the Hon'ble Sri Justice L. Narasimha Reddy*)

In this batch of writ petitions, the common order, dated 04.05.2006, passed by the Andhra Pradesh Administrative Tribunal, Hyderabad (for short 'the Tribunal') in O.A.Nos. 6819 of 2005 and batch as well as the miscellaneous applications filed therein, is under challenge. The matter relates to transfer of teachers from one institution to another. For the sake of brevity and proper understanding, we refer to the facts, which are common to all the writ petitions.

Till recently, the school education in the State of Andhra Pradesh used to be

dealt with in two separate wings, namely Government schools and schools established by Zilla Parishads. The services of the teachers in both the categories of schools are totally different from each other. In fact, this Court held that the services are not inter-changeable. Government issued Ordinance No. 12 of 2005 providing for integration of the services in these two categories of schools. The Ordinance was subsequently replaced by Act No.27 of 2005. The Ordinance as well as the Act are challenged in various proceedings before the Tribunal.

The District Educational Officers of various districts have passed orders of transfer, transferring various teachers from one school to another. The transfers are of different categories. In some cases, the transfers are from one Government school to another and in some cases from one Zilla Parishad school to another and in yet other category of cases the transfers are from Government schools to Zilla Parishad schools, and vice versa.

The petitioners have filed O.As. before the Tribunal, challenging the orders of transfer. Several contentions have been urged. Initially, the Tribunal stayed the orders of transfer insofar as they relate to the petitioners. Subsequently, the orders were modified by the Tribunal through its order, dated 04.05.2006, by making a reference to the orders passed by this Court in several other matters.

The learned counsel for the petitioners points out that the orders passed by the Tribunal are vague and that it has reserved its orders, in various matters, in which the Ordinance and the Act are under challenge and at this juncture, it is not at all advisable to effect transfers.

The learned Government Pleader for Services-I, on the other hand, submits that with the enactment of the Act 27 of 2005, the points urged by the petitioners are no longer tenable. He also pleads that several teachers are continuing in the same place for years together and in the interest of better administration of schools, it became imperative to transfer them.

As of now, the two categories of services of teachers referred to above have been integrated and as long as the Act holds the field, no exception can be taken to the orders of transfer. One important aspect urged on behalf of the petitioners is about the implementation of the Presidential Order. It is no doubt true that there is some uncertainty in the matter of giving effect to the

Presidential Order, inasmuch as the erstwhile service of the Panchayat Raj teachers was not provincialized. Even assuming that any further exercise is to be undertaken in this regard, the fact remains that district happens to be the unit for the post of teachers and any transfers made within the district cannot be found fault with on this account.

The learned counsel for the petitioners points out that in the name of integration of service and effecting general transfers, the respondents are disturbing even those teachers, who have put in less than one year service. In this regard, it may be noted that various instructions issued by the Government from time to time stipulate the minimum period of stay for an employee and there is no reason to believe that such guidelines would be ignored by the authorities concerned in this regard. In case, any person, whose standing is less than three years, is sought to be transferred, it shall be open to him to make representation, except where the transfer is by way of punishment or on administrative grounds, and the concerned District Educational Officer shall take the same into account before giving effect to the orders of transfer.

With the above observations, we dispose of the writ petitions. There shall be no order as to costs.

(L.NARASIMHA REDDY,J)

(D. APPA RAO, J)

Dt. 30.05.2006.

ksld/kdl